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**UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF NEVADA**

In re:	)	Case No.: 14-14931-ABL
	)	
Bistro Central, LV LLC,	)	Chapter 11
	)	
Debtor.	)	Hearing Date: July 25, 2014
	)	Hearing Time: 1:30 p.m.

**OMNIBUS REPLY TO THE UNITED STATES TRUSTEE'S OMNIBUS  
OBJECTION TO DEBTOR'S FIRST DAY MOTIONS SEEKING (I)  
AUTHORIZATION TO PAY CRITICAL VENDORS, (II) AN EXTENSION  
OF TIME TO FILE SCHEDULES AND STATEMENTS AND (III)  
AUTHORIZATION TO MAINTAIN EXISTING BANK ACCOUNTS**

Bistro Central, LV LLC, the debtor and debtor-in-possession in the above-captioned Chapter 11 case (the “**Debtor**”), hereby files its reply (the “**Reply**”) to the Omnibus Objection (the “**Objection**”) of the United States Trustee (the “**UST**”) to the Debtor’s First Day Motions Seeking (I) Authorization to Pay Critical Vendors, (II) an Extension of Time to File Schedules and Statements and (III) Authorization to Maintain Existing Bank Accounts. In support of the Reply, the Debtor relies on the Supplemental Declaration of Carl Halvorson in Support of First Day Motions (the “**Supplemental Halvorson Declaration**”), filed concurrently herewith, and respectfully states as follows:

**Preliminary Statement**

1  
2 1. Simply put, the UST objects to the Debtor's: (i) Motion to Pay Critical Vendors (the  
3 "**Critical Vendors Motion**"); (ii) Motion Seeking Authorization to Maintain Existing Bank Accounts  
4 and Cash Management System (the "**Bank Accounts Motion**"); and (iii) Motion Seeking an  
5 Extension of Time to File Schedules and Statements (the "**Schedules Motion**") because the UST  
6 believes that each motion does not establish cause for the relief requested. As set forth herein and in  
7 the Supplemental Halvorson Declaration, cause exists to grant the relief requested in each motion.  
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9

**Argument**

**Critical Vendors Motion**

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13 2. Contrary to the arguments of the UST, sufficient cause exists to grant the relief  
14 requested in the Motion. Simply put, the UST objects to the relief requested in the Critical Vendors  
15 Motion because the Debtor has not established cause and provided sufficient evidentiary support. As  
16 set forth in the Supplemental Halvorson Declaration, filed concurrently herewith, the Critical Vendors  
17 Motion should be granted.  
18  
19  
20

21 3. Importantly, critical vendors Sysco Food Services, Silver Service Refreshment, Great  
22 Buns Bakery, Desert Gold Foods and Southern Wine and Spirits all contacted the Debtor and indicated  
23 they will not supply the Debtor with post-petition services without payment of its pre-petition claim or  
24 will only deal with the Debtor on cash on delivery terms. See Supplemental Halvorson Declaration,  
25 pp. 2-5.  
26  
27

28 4. Importantly, none of the Critical Vendors have indicated they will accept the posting of  
29 a letter of credit to assume them of future payment. See Supplemental Halvorson Declaration, ¶ 16.  
30

Furthermore, authorizing the Debtor to pay its Critical Vendors in the ordinary course of business will allow the Debtor to continue its business operations without significant interruption, and will allow the Debtor to generate the necessary revenues to facilitate a successful reorganization, which is beneficial for all creditors.

5. In reviewing its Critical Vendors Motion and in working with the UST, the Debtor has revised its list of Critical Vendors and removed Santa Monica Seafood, Open Table, Wirtz Beverage and Nevada Beverage as critical vendors, as set forth below.

<b><u>Critical Vendor Name</u></b>	<b><u>Pre-Petition Amount Owed</u></b>
Sysco Food Services	\$65,000.00
Silver Service Refreshment	\$42,000.00
Great Buns Bakery	\$3,500.00
<del>Santa Monica Seafood</del>	<del>\$4,000.00</del>
Desert Gold	\$2,900.00
<del>Open Table</del>	<del>\$2,100.00</del>
Southern Wine and Spirits	\$98,000.00
<del>Wirtz Beverage</del>	<del>\$6,000.00</del>
<del>Nevada Beverage</del>	<del>\$5,100.00</del>
<b>Total:</b>	<b><del>\$228,600</del> 211,400</b>

#### **Bank Accounts Motion**

6. Next, the UST objects to the relief set forth in the Bank Accounts Motion as it indicates that the motion is unclear as to the relief requested. First, the Debtor has no investment practices and will remove that request from the Motion. Second, the Debtor does have 6 bank accounts, 3 at Chase Bank and 3 at Bank of America, however, the Debtor no longer routinely uses the three accounts at Chase Bank and will remove any requested relief in the Motion with respect to those accounts.

1           7.       With respect to the three accounts at Bank of America, however, they are used  
2 for: (i) business operations; (ii) payroll; and (iii) reserve account for taxes and similar  
3 payments. These accounts are essential to the Debtor's business, all of which are used by the  
4 Debtor to deposit, withdraw, and otherwise transfer funds to and from these bank accounts.  
5  
6 See Supplemental Halvorson Declaration, ¶ 20.

7  
8           8.       To the extent it is not clear in the Bank Accounts Motion, the Debtor seeks to  
9 continue to operate its Bank of America accounts and designate them as debtor-in-possession  
10 accounts in the normal course of business. This will allow the Debtor to enjoy a seamless  
11 transition into its Chapter 11 case. See Supplemental Halvorson Declaration, ¶ 21.

12  
13 **Schedules Motion**

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15           9.       Simply put, the Supplemental Halvorson Declaration establishes cause to grant  
16 the Debtor an additional thirty-one days (or forty-five days from the Petition Date) to complete  
17 its schedules and statements. First, the Debtor filed its Chapter 11 case on an emergency basis  
18 because the Nevada Department of Taxation indicated it would shut down the Debtor's  
19 business on July 18, 2014. See Supplemental Halvorson Declaration, ¶ 22.

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21  
22           10.      Second, prior to the Petition Date, Mr. Halvorson's wife and dog, while out on a  
23 walk, were attacked by another dog which result in the death of Mr. Halvorson's dog and  
24 multiple injuries to his wife. See Supplemental Halvorson Declaration, ¶ 23.

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26  
27           11.      Finally, since the Petition Date, the Debtor's manager has been dealing with  
28 several issues relating to employees, vendors and other issues necessary to stabilize the  
29 Debtor's business as it makes the transition into its Chapter 11 case, in addition to preparing

1 the Debtor's cash collateral budget and otherwise assisting with the Debtor's first day motions.

2 See Supplemental Halvorson Declaration, ¶ 24.

3  
4 12. Accordingly, the thirty-one day extension is reasonable and cause exists to grant  
5 the extension.

6 Dated this 24th day of July, 2014.

7  
8 Respectfully Submitted,

9 /s/ Samuel A. Schwartz

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was sent electronically via the Court's CM/ECF system on July 24, 2014 to the following:

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/s/ Janine Lee  
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